

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2536

Maurice John Gates,

Appellant,

v.

City of Lebanon, Missouri; Stanley H.
Allen; Robert Brown; Bill Wheeler;
David Troutman; Joseph Knapp; Sam
Mustard,

Appellees.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: February 2, 2011
Filed: February 10, 2011

Before MELLOY, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Maurice Gates appeals the district court's¹ adverse grant of summary judgment in his employment discrimination action. After careful de novo review, *see Murphy v. Mo. Dep't of Corr.*, 372 F.3d 979, 982 (8th Cir. 2004), this court concludes that summary judgment was proper. Defendants presented a valid, nondiscriminatory

¹The Honorable Ortie D. Smith, United States District Judge for the Western District of Missouri.

reason for Gates's termination – he had exhausted his Family and Medical Leave Act (FMLA) leave, and had not provided documentation required by City policy to be allowed to return to work – and the record reveals no triable issue of fact on whether that reason was a pretext for unlawful discrimination. *See Putnam v. Unity Health Sys.*, 348 F.3d 732, 736 (8th Cir. 2003). Gates also presented no trialworthy issue on his claim that defendants interfered with his FMLA rights, because each of his FMLA requests was granted. *See Stallings v. Hussmann Corp.*, 447 F.3d 1041, 1050-51 (8th Cir. 2006) (FMLA interference claim requires proof of entitlement to benefit denied).

This court affirms. *See* 8th Cir. R. 47B. The pending motions are also denied.
